

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

ACTION ID: 200510155

December 17, 2004

PUBLIC NOTICE

Eastern North Carolina Natural Gas (ENCNG), c/o Mr. John M. Monaghan, Jr., 5625 Dillard Drive, Cary, North Carolina 27511, has applied for a Department of the Army (DA) individual permit TO TEMPORARILY IMPACT APPROXIMATELY 0.47 ACRES OF DA JURISDICTIONAL WETLANDS AND APPROXIMATELY 594 LINEAR FEET OF SURFACE WATERS TO FACILITATE THE INSTALLATION OF 53 MILES OF NATURAL GAS TRANSMISSION LINE WITHIN THE PASQUOTANK RIVER BASIN AND TARPAMLICO RIVER BASIN, IN NORTH CAROLINA. Approximately 70% of the proposed project is located within maintained North Carolina Department of Transportation (NCDOT) right-of-ways and private road right-of-ways in Washington and Hyde Counties. Mr. Jeff Harbour, Environmental Services Inc., 524 South New Hope Road, Raleigh, North Carolina 27610, is acting as agent for ENCNG in the processing of this application.

The following description of this project is taken from data provided by the applicant and from observations made during onsite inspections by representatives of the Corps of Engineers. ENCNG proposes to install 53 miles of natural gas transmission line associated with Phase 6 of a larger project utilizing horizontal directional drilling (HDD) and excavated trench methodologies. The Phase 6 project will begin by connecting to Phase 5 pipeline on NCSR 1180 near the intersection with NCSR 1179 adjacent to Canal B, west of Lake Phelps in Washington County, and continue to NCSR 1107, south of US Highway 264 and southwest of Englehard in Hyde County. The transmission system will consist of approximately 36.5 miles of 6-inch and 16.5 miles of 4-inch diameter pipe. The gas line is being installed primarily to service existing residential, commercial, and industrial customers. The construction corridor ranges from 10 to 20 feet wide.

The project crosses a total of 34 perennial surface waterbodies. Six of the waterbodies will be directionally bored which avoids 871 linear feet of surface water impacts. All CAMA jurisdictional areas will be directionally bored. Twenty-eight of the waterbodies will be crossed using open cut method resulting in temporary impacts to 594 linear feet of surface waters. The open cut method will impact mostly agricultural drainage ditches.

The project will cross 14 separate wetland areas located within NCDOT and private road right-of-ways, powerline corridors and cross-country sections. Wetland types to be crossed include mixed hardwood forest, mixed pine/hardwood forest, planted pine plantation, coastal plain bottomland hardwood forest, cypress/gum swamp, bay forest, successional/clear cut, linear wetlands consisting of man-made canals, and successional shrub/scrub and herbaceous wetlands. Larger, wetter wetland areas will be directionally bored. Open trench methodology will be utilized in smaller, drier wetland crossings.

The applicant proposes to utilize HDD methods to avoid impacts to 1.66 acres of wetlands and to Areas of Environmental Concern as designated by the North Carolina Division of Coastal Management. Approximately 0.47 acres of wetlands will be temporarily impacted by open-cut construction. The applicant also agrees to avoid or minimize impacts to streams containing anadromous fish spawning and rearing habitat. There will be no permanent loss of wetlands or conversion of wetland type. The applicant does not propose compensatory mitigation for this project.

Plans showing the work are included with this public notice. The plans and additional information provided by the applicant detailing avoidance and minimization efforts can also be reviewed at the Washington Regulatory Field Office, U. S. Army Corps of Engineers Wilmington District, 107 Union Drive Suite 200, Washington, North Carolina 27889.

This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-Owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 a-50-66).

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial

determination is that the proposed project would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899. Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

Based upon available information, the District Engineer is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs,

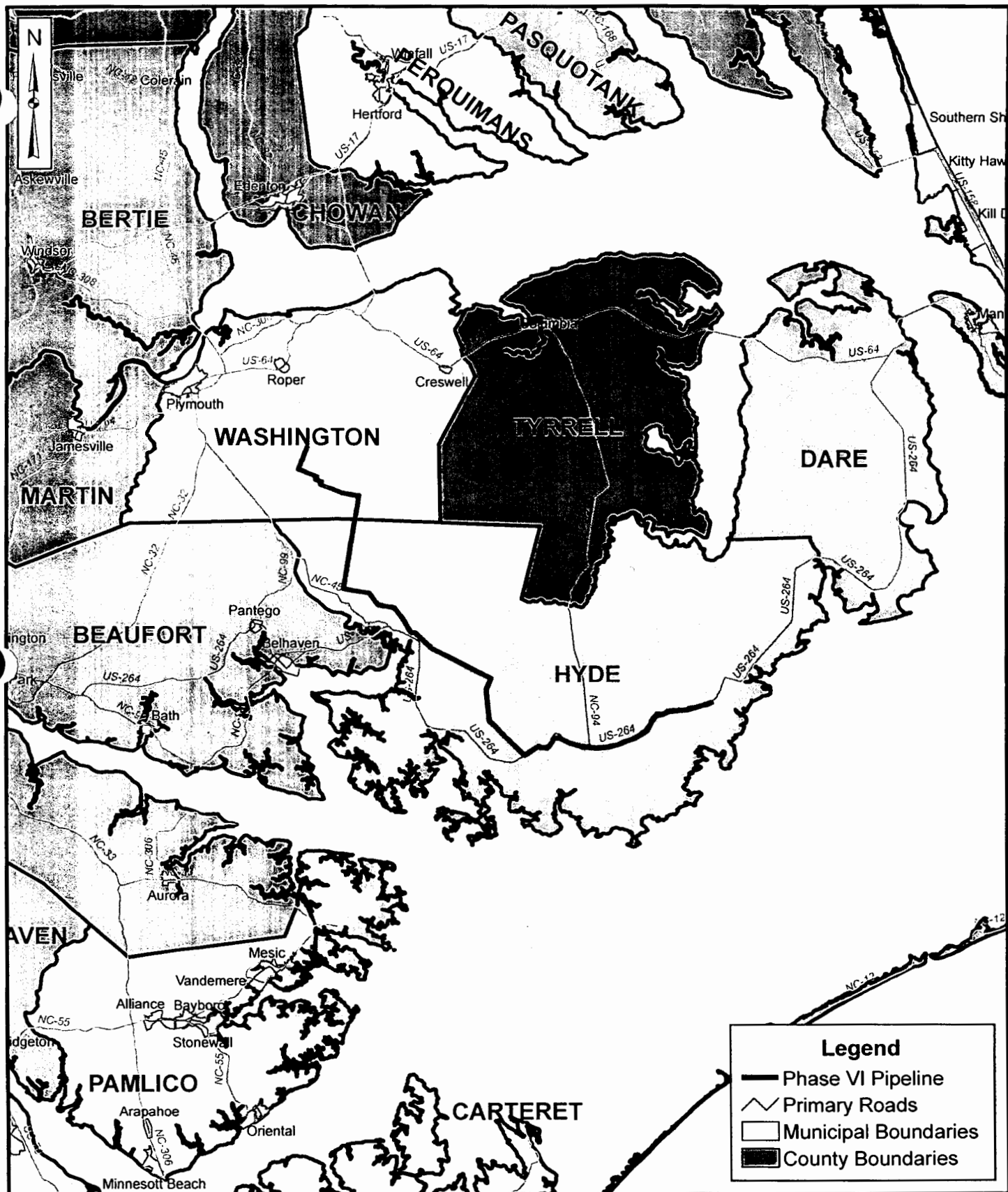
considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agencies' 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

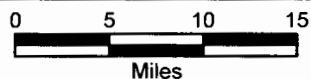
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, NCDWQ, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction cost.

Written comments pertinent to the proposed work, as outlined above, will be received in the Corps of Engineers, Wilmington District, Washington Regulatory Field Office, Attn: Mr. William Wescott, Post Office Box 1000, Washington, North Carolina, 27889, until 4:15 p.m., January 15, 2005, telephone (252) 975-1616, extension 25.



Environmental
Services, Inc.



Source: Basin Pro, Center for
Geographic Information and Analysis

Project Location Map
Eastern NC Natural Gas
Pipeline- Phase VI

Figure: 1
Project: ER01150.06
Date: Nov 2004

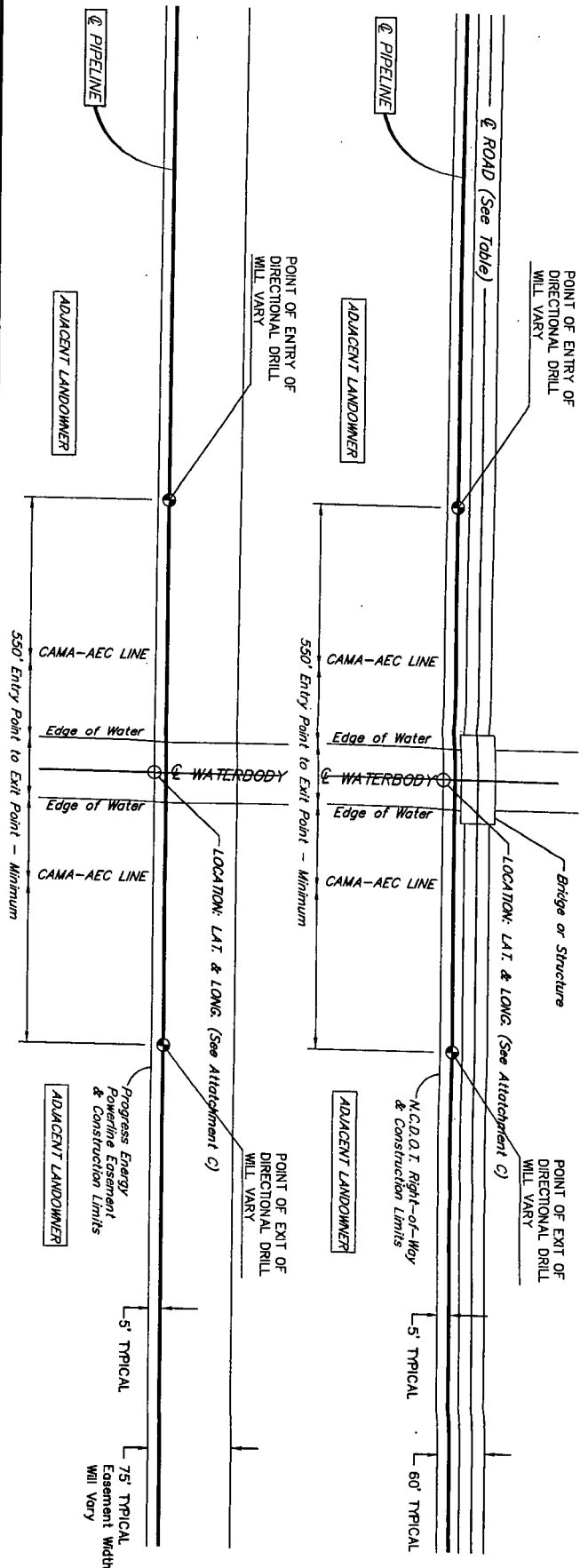
WASHINGTON COUNTY, NORTH CAROLINA

PROGRESS ENERGY PLAN

SCALE: 1"=100'

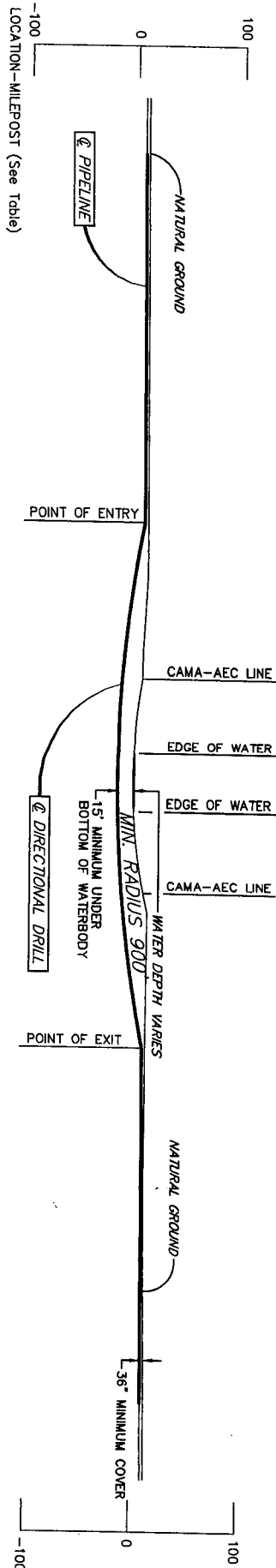
NCDOT PLAN

SCALE: 1"=100'



PROFILE

SCALE: 1"=100' HORIZ. & VERT.



REFERENCE DRAWINGS

NO. DESCRIPTION

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DESCRIPTION

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Eastern NC

P.O. Box 1501 - Feb 18
410 S. WASHINGTON STREET
WASHINGTON COUNTY, NC 28687
TEL: (704) 366-4444 FAX: (704) 366-4470

WATER CROSSING DETAIL
TYPICAL SECONDARY WATERBODY CROSSING
ENONG NATURAL GAS SYSTEM PROJECT
PHASE VI

SCALE: 1"=100'

DATE: 02/25/02

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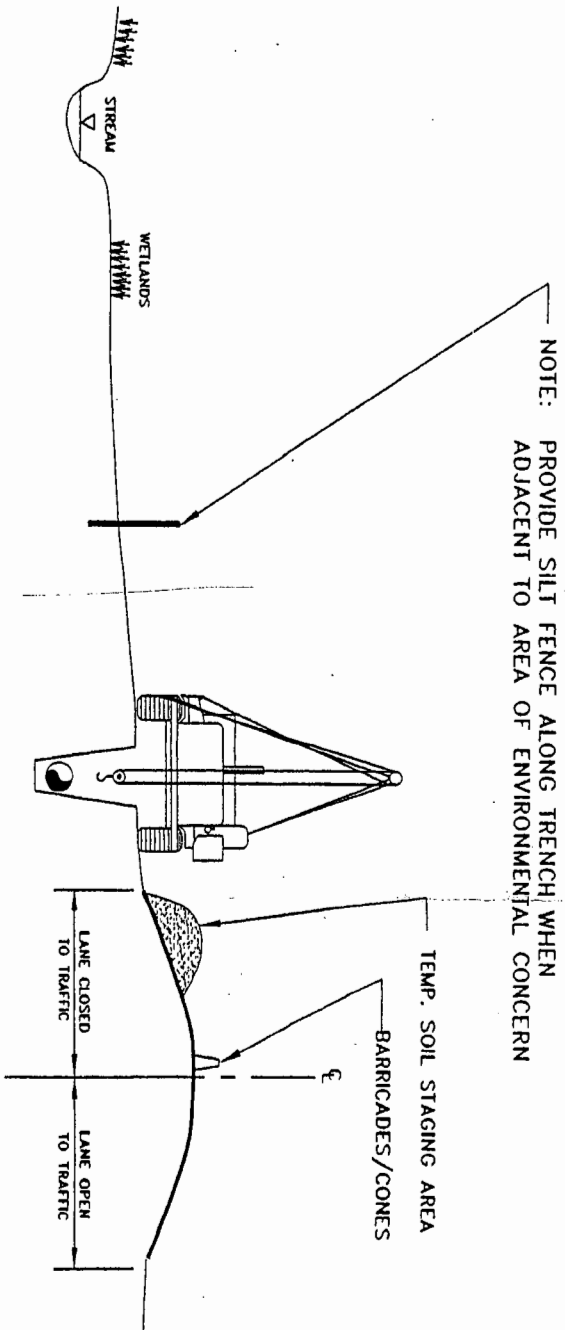
DATE: 02/25/02

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THIS REPRESENTS THE WORST-CASE SCENARIO BASED ON NCDOT COMMENTS. TYPICALLY, THE PIPELINE WILL BE WITHIN FIVE (5) FEET OF THE OUTER RIGHT-OF-WAY BOUNDARY.



TRENCH CROSS SECTION 'D'

NOT TO SCALE

**PRELIMINARY
NOT FOR CONSTRUCTION**

DRAFT

ENSR 7041 OLD WAKE FOREST ROAD SUITE 103
RALEIGH, NC 27616
CONSULTING AND ENGINEERING DIV., INC.

NCDOT TRENCH CROSS SECTION

<p>Exploratory Pipeline Project-Phase Eastern North Carolina</p>			
DATE:	06/28/01	SCALE:	NTS
DRAWN:	TDF	CHECKED:	09417-232
		PROJECT NUMBER:	G101528
		SHEET NO.:	E-4

NCDOT PLAN
SCALE: 1"=100'



Eastern NC
 1-800-368-2222 ext. 222
 1-800-368-2222 ext. 222

WATER CROSSING DETAIL

TYPICAL SECONDARY WATERED CROSSING
 ENOUGH NATURAL GAS SYSTEM PROJECT
 PHASE VI